IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

* * * * *

C.W.P NO. 18907 OF 2005

Date of decision : September 7, 2006

* * * * *

M/s Palican Grand Motel, Karnal .....Petitioner

Vs.

State of Haryana & others .....Respondents

* * * * *

CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Jagdish Manchanda, Advocate for the petitioner(s).
Mr. Ajay Gulati, Assistant Advocate General, Haryana.

* * * * *

Viney Mittal, J. (Oral)

The petitioner has approached this Court challenging the order dated October 14, 2005 (Annexure P-37) passed by the Director, Town and Country Planning, Govt. of Haryana-respondent no.2. Vide the aforesaid order, the petitioner has been communicated that his request for extending the period of validity of change of land use upto August, 12, 2008 cannot be considered due to non provision of clause related to further extension in Punjab Scheduled roads and Controlled Areas Restrict of Unregulated Development Rules, 1965.

In the written statement filed by the respondents, a preliminary objection has been raised that the order Annexure P-37 is appealable before

the Commissioner and Secretary to Govt. of Haryana-respondent no.1 and that the aforesaid statutory remedy of appeal has not been availed of by the petitioner.

In this view of the matter, without going in the merits of the claim made by the petitioner, we dispose of the present petition by relegating the petitioner to seek his statutory remedy of appeal at the first instance. If any appeal is filed by the petitioner within a period of 4 weeks from the date a certified copy of this order is received then the appellate authority shall decide the same on merits and the claim made by the petitioner shall not be dismissed on account of limitation.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 7, 2006
ritu

(H.S BHALLA)
JUDGE